

REMARKS

Claims 1-46 are pending in this application, with claims 8 and 17-46 presently withdrawn from consideration. By this Amendment, claims 1-4, 13 and 14 are amended to restore the claims to the previously considered form in order to address the allegation that the claims as amended on September 25, 2007 were not directed to an elected species. No new matter is added.

However, although Applicant traverses the finality of the Office Action, entry of the amendments is also proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments merely remove subject matter deemed non-elected); (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

Reconsideration of the application is respectfully requested.

The Finality of the Office Action is Improper, And Must be Withdrawn

The Patent Office alleged that claims 1-46 were directed to non-elected subject matter. However, even if this allegation is accepted, the Patent Office has failed to follow its established practice for this situation and has improperly issued a Final Rejection. Accordingly, the finality of the Office Action is improper, and must be withdrawn. The present claim amendments thus must be entered and considered.

As set forth in MPEP §821.03, the Patent Office should have issued a communication indicating that the previous Amendment filed on September 25, 2007 was non-responsive,

giving a time period of one month within which to file a response to correct the error. A Final Rejection was not a proper action by the Patent Office, particularly given the fact that the Patent Office alleged there were no claims to examine or reject.

Thus, Applicant respectfully requests that the finality of the Office Action be withdrawn.

Rejection Under 35 U.S.C. §103(a)

For completeness and in an effort to expedite prosecution, Applicant herein addresses the prior rejection of claims 1-7 and 9-16 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,429,856 ("Omura") in the See July 5, 2007 Office Action. This rejection is respectfully traversed.

Omura fails to teach or suggest an information display system (claims 1-4) and a pointer cursor display method (claims 13 and 14) that decides which part of display image information corresponding to the display image that the imaged image information at the imaging point of time corresponds to as required in claims 1-4, 13 and 14. Additionally, Omura fails to teach or suggest a pointing coordinate specification device that specifies coordinates of a position at which a pointing apparatus is to point, as pointing coordinates from a result of a decision, as required in claims 1-4. Moreover, Omura fails to teach or suggest an information processing apparatus (claim 13) and a pointing apparatus (claim 14) that specifies a position at which a pointing apparatus is to point, as pointing coordinates from a result of a decision, as required in claims 13 and 14, respectively.

With respect to claims 1-4, 13 and 14, the Patent Office concedes that Omura fails to specifically teach a "pointing coordinate specification device to accept an imaged image information from the pointing apparatus and to decide which part of the display image information corresponding to the display image at an imaging point of time the imaged image information corresponds to." However, the Patent Office alleges that Omura teaches, in FIG.

7, a coordinate position inputting and detecting device and that a user points to a certain position (X, Y) on display (d) by pointing body A (see Omura, col. 15, lines 46-50).

The alleged pointing device apparatus which points at an arbitrary position on a display image displayed by the information display apparatus in Omura is a user's finger or a pen (see Omura, col. 15, lines 49 and 50). Nowhere does Omura teach or suggest that the alleged pointing apparatus (user's finger or pen) has (1) an imaging device, (2) is capable of imaging a range containing the position at which the pointing apparatus is to point on the display image or (3) is capable of outputting imaged image information corresponding to the range, as required in claims 1-4, 13 and 14. Thus, the alleged pointing apparatus (user's finger or pen) of Omura is not the same as or equivalent to the pointing apparatus as required in claims 1-4, 13 and 14. As such, the alleged pointing device of Omura (a user's finger or a pen) does not encompass the features of the recited pointing apparatus as required in claims 1-4, 13 and 14.

Further, Omura discloses that an xy-computing element computes coordinates (x, y) of the position pointed thereto by the pointing body A according to the dark points of the light receiving elements detected by the peak detectors (see Omura, col. 15, line 67 to col. 16, line 4). However, determining coordinates of the position pointed thereto by the pointing body A based on the dark points detected by the peak detectors as taught by Omura is not the same as or similar to specifying coordinates (claims 1-4) or the position (claim 13 and 14) from a result of the recited decision that decides which part of display image information corresponding to the display image the imaged image information at the imaging point of time corresponds to as required in claims 1-4, 13 and 14.

For at least these reasons, claims 1-4, 13, 14, and dependent claims therefrom, are patentable over the applied reference. Reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) are respectfully requested.

Rejoinder

Applicant respectfully submits that because claims 1-7 and 9-16 are in condition for allowance for the reasons set forth above, upon allowance of the elected claims, claims 8 and 17-46 should be rejoined and similarly allowed.

Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-46 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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